

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments and the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

The Present Invention

The present invention provides for a gateway device and associated method that facilitate communications with external devices by utilizing a uniform communications format (i.e., XML). As such, the gateway device is not required to communicate with each external device according to a unique format defined by the respective external device. The gateway device is located at an access point, such that subscriber computers desiring to access any network are required to gain access through the gateway device. Thus, the subscriber computers can transparently communicate with all the external devices without having to support the uniform communications format (i.e., XML). Accordingly, the gateway device and associated method of the present invention improve communications between the subscriber computer, gateway device and various external devices, such as billing and content servers, property management systems, external AAA servers and the like.

Objections to the Drawings

The Applicant respects the Examiner's objections to the drawings regarding handwritten remarks. Note that formal drawings, which eliminate the handwritten remarks, are herein submitted with the response.

35 U.S.C. § 103 (a) Rejections

Claims 1-18 stand rejected under 35 U.S.C. 102 (a) as being unpatentable over United States Patent No. 6,453,361 issued to Morris (the '361 Morris patent) in view of United States Patent No. 6,226,675 issued to Metzler et al. (the '675 Metzler).

According to the Office Action, the '361 Morris patent teaches a gateway device including a:

a subscriber interface (**CGMAPI**) for adapting to a subscriber computer (**PC, PDA or cell phone**) that is connected to the gateway device (**gateway server**) to facilitate communications between the subscriber computer and at least one network (**Column 3, lines 39-41; column 5, lines 42-49, lines 52-59; Figure 1, module 1**).

According to the Office Action, the '361 Morris patent fails to the second element of Claim 1, however; the Examiner believes that the '675 Metzler patent teaches such, specifically:

an XML interface (**network interface**) for communicating with an external device (**diverse nodes**) via a series of XML commands and responses such that the gateway device supports communications involving the subscriber computer and the external device without requiring the subscriber computer to support XML commands and responses (**Column 21, lines 41-45; Column 23, lines 38-60, Figures 3 and 4, modules 300-304**).

The Examiner states that it would have been obvious at the time of the invention to combine the teachings of Morris with the teachings of Metzler to "facilitate interactions amongst diverse platforms in a communication network by eliminating the prior agreement on industry wide standards or custom integration. Further such systems should encourage incremental path to business automation, to eliminate much of the time, cost and risks of traditional system integration." (Metzler Column 2, lines 18-25).

Neither the '361 Morris Patent nor the '675 Metzler Patent teach a Gateway Device that is located at an Access Point in the Network and provides Subscriber Computers Access Control

Independent Claims 1, 8 and 14 have been amended to include a key aspect of the present invention. Specifically, that the Gateway Device can located at an access point within the network architecture, such that the Gateway Device provides network access for all of subscriber computers that are controlled by the Gateway Device. In this regard, the Gateway Device and, more specifically, the Gateway Device is able to communicate with all downstream external network devices by executing the XML interface of the present invention. Since the access point location of the Gateway device insures that all of the downstream external network devices must communicate with the Gateway device before they communicate with the subscriber computers, the invention insures that the subscriber computers can transparently communicate with all of the downstream external devices without having to execute the unique communication format specific to each individual external devices.

The '361 Morris patent teaches a Gateway Server that resides at the network site, as shown in Figure 1. Thus, the server in the '361 Morris patent is specific to the network site. Any subscriber interface that is executed at the Gateway Server is specific to the designated network site and its functionality cannot be applied to other functionality within the server to support communication between the subscriber computer and all other downstream external network devices. Thus, the billing application (Claim 15) discussed in the '361 Morris teaching is limited to the network site at which the network server resides, it can not provide billing functions for all the networks that a subscriber may wish to access.

The '675 Metzler patent does not teach or suggest a gateway device that is implemented at the access point of network architecture to provide access control for subscriber computers. In addition, the '675 Metzler patent provides no teaching or suggestion of a gateway device implemented for controlling the billing structure (Claim 15) of the networks accessed by the subscriber computers.

Since Independent Claims 1, 6 and 14 have been amended to more clearly define the invention and specifically limit the invention to a Gateway device that is located at the access point within the network architecture and provides access control for the subscriber computers that are controlled by the Gateway, the Applicant believes that these claims are non-obvious and patentable. In addition, the dependent Claims that depend from Claims 1, 6 and 14 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

The Applicant Does Not Believe that the Examiner Established a *Prima Facie* Case of Obviousness

Applicant also respectfully submits that the Office Action has not made a *prima facie* case of obviousness as is required under US patent law. Specifically, § 2142 of the MPEP states that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) There must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings.
- 2) There must be a reasonable expectation of success.
- 3) The prior art reference or references must teach or suggest all claim limitations.

Applicant respectfully submits that there is no suggestion or motivation in the references for their combination, and there is also no reasonable expectation of success in the their combination.

Applicants first note that the Office Action attempts to find a suggestion in the references to justify their combination. The Office Action states that '675 Metzler patent teaches to "facilitate interactions amongst diverse platforms in a communication network by eliminating the prior agreement on industry wide standards or custom integration. Further such systems should encourage incremental path to business automation, to eliminate much of the time, cost and risks

of traditional system integration.” Applicant fails to appreciate how this statement is relevant to the applicant’s invention. Specifically, the applicant teaches an invention that allows for an access gateway device to communicate with a divers array of downstream network devices by implementing uniform communications format, i.e., XML. As such, the invention allows subscriber computers that access networks transparently via the gateway device to communicate with these network devices without having to implement the unique format implemented by each and every external network device.

The ‘361 Morris patent describes and teaches architecture and methods for photo-services. Although the ‘361 Morris patent teaches meta-architecture, it does not facilitate or apply to access control to networks, such as the Internet or to methods and apparatus for providing billing control. In the ‘361 Morris patent the Gateway device, referred to as the Gateway server, provides conventional server type functions. The Gateway server of the ‘361 Morris teaching resides on the opposite side of the internet, after the client devices have already gained access to the network, i.e. Internet or the like. In the present invention the gateway device provides access control and billing functions. As such, in the present invention the Gateway device must reside, and is defined as such within the amended claims, at a network access point, i.e., between the subscriber computer and the network, i.e., Internet.

Additionally, the ‘361 Morris patent requires that the client (i.e., the subscriber computer) be pre-configured with the gateway server in order to provide configuration-free connection to the Internet. The present invention provides for a Gateway device that provides transparent access for subscriber computers. In other words, subscriber computers can access networks via the gateway device without having to be pre-configured or without having to load/execute subscriber computer-side agents. The ‘361 Morris patent also mandates that the client send requests to the gateway server and then the gateway generate requests for the photo-service sites. This is directly contrary to the present invention, in which the subscriber computer connects directly to the network site, i.e., a web site, and then the network site contacts the gateway device via XML.

The '675 Metzler patent describes and teaches methods and apparatus for processing documents for trading partner networks. The '675 Metzler provides no teaching of how XML documents would be used to support communication involving a subscriber computer. As previously mentioned, a key aspect to the present invention is the ability of the Gateway device to control the subscriber's access to networks, such as the Internet. The '675 Metzler patent provides no teaching of a gateway device in the access network which is required, in the present invention, for supporting secondary applications, such as billing applications or the like.

Additionally, the '675 Metzler patent does not teach or suggest XML documents that apply to supporting communications involving a subscriber computer. In the present invention, the gateway device controls the subscriber computer's access to the network. The '675 Metzler patent teachings cannot be extended to include control of a clients access to a network.

There thus is no suggestion or motivation in either the "675 Metzler patent or the '361 Morris patent for combining the two patents to obviate the present invention.

As such, applicant respectfully submits that all of the independent claims, which have been rejected under 35 U.S.C. § 103 (a), as well as the dependent claims that depend there from and have been rejected under 35 U.S.C § 103 (a), are not obvious by legal standards and, are thus, patentable.

The '361 Morris Patent and the '675 Metzler Patent Provide No Teaching of an Internal Web Server

The Examiner has provide no reference to either the '361 Morris teachings or the '675 Metzler teachings that either patent teaches or suggests an internal web server for communicating with both the XML interface and the internet to thereby facilitate XML-based communications between the gateway device and external devices connected to the internet.

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More importantly, the Applicant can find no teaching or suggestion within either patent for an internal web server used for the purpose as claimed. Independent Claim 6 and dependent Claim 2 specifically further limit the invention by the inclusion of an internal web server within the gateway device that communicates with both the XML interface and the Internet to thereby facilitate XML-based communications between the gateway device and external devices connected to the Internet.

As such, applicant respectfully submits that dependent Claim 2 and independent claim 6, which have been rejected under 35 U.S.C. § 103 (a) are not obvious by legal standards and, are thus, patentable.

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Conclusion

In view of the proposed amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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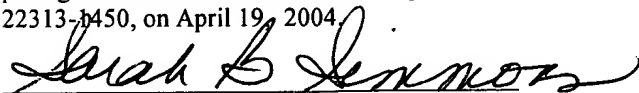
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2004.



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